

Atty. Dkt. No. 078883-0167  
Appl. No.: 10/669,724

### REMARKS

Upon receiving the Notice of Allowance and Notice of Allowability, Applicants reviewed the application and found mistakes in claim 26 that they seek to correct by this amendment under 37 C.F.R. § 1.312.

In particular, Applicants found that claim 26 recited an incorrect range of D-glucopyranosyl units for the malto-oligosaccharide hydrolysis products. The correct range is "one to ten D-glucopyranosyl units," not "two to ten D-glucopyranosyl units."

Support for the range of "one to ten D-glucopyranosyl units" exists throughout the specification, which refers to "linear malto-oligosaccharides of from two to ten D-glucopyranosyl units *and optionally glucose*" at page 10, line 23; page 11, line 8; page 12, line 11; page 15, lines 26-27; page 17, lines 11-12; and page 20, lines 19-20; and original claim 5. The glucose molecule comprises one D-glucopyranosyl unit; hence, the disclosure supports "one to ten D-glucopyranosyl units."

Correcting the range of D-glucopyranosyl units will not impact the patentability of claim 26 or require the Patent Office to engage in further searching and examination. The correction conforms claim 26 to the scope of claims in this application's parent, U.S. Patent 6,667,065. Claim 4 of the parent '065 patent, for example, recites that "the non-maltogenic exoamylase yields . . . linear malto-oligosaccharides of from *one to ten D-glucopyranosyl units*." (emphasis added). Thus, the type and activity of the non-maltogenic exoamylase in amended claim 26 are commensurate in scope with those of the non-maltogenic exoamylase in the issued parent application. In the Notice of Allowability, the Examiner indicated that such correspondence was a primary basis for allowing the present application's claims:

"[T]he currently pending claims 23-42 are commensurate in scope with the allowed claims in the parent application, regarding the type and activity of the non-maltogenic exoamylase. As the activity of the enzyme was at issue in the parent, and its use within a dough or bread product system, and since this was resolved on the record in the parent application, the instant claims are also allowable over the prior art, for the reasons established on the record in parent application 9/647,504."

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For the same reason, Applicants submit that amended claim 26 is allowable, and request entry of the present amendment.

If the Examiner believes that a discussion of the proposed amendment would be helpful, he is invited to telephone the undersigned Attorney for Applicant.

If there are any fees due in connection with the filing of this Amendment, the PTO is authorized to charge them to Deposit Account No. 19-0741. If a fee is required for an extension of time not accounted for above, such an extension is requested and the fee should also be charged to the same Deposit Account.

Respectfully submitted,

Date 8/3/04

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